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## DIGEST

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Mills

HB No. 1262

**Abstract:** Provides for hearings of the La. State Board of Nursing. Authorizes the executive director of the board to appoint a panel to hear charges of violations of board requirements. Authorizes the board to access, receive, and utilize any records within the custody of certain agencies relative to the board's investigation or administrative proceeding involving one of its licensees, applicants for a license, or applicants to enter or progress in a clinical nursing program. Requires certain law enforcement agencies to notify the board of arrests of its licensees, applicants for licenses, and applicants entering or progressing in nursing programs. Provides for hearing procedures for the board, including voting and burden of evidence for penalties such as the revocation of licenses and fines. Provides that certain records of licensees, applicants for licenses, and applicants to enter or progress in a nursing program are not subject to public records law; however, the board may share certain information with health care regulatory agencies and law enforcement authorities. Provides for annual reporting.

Present law provides for a process for the executive director of the La. State Board of Nursing to initiate a hearing for an individual charged with a violation under the board's regulations and provides for a method to notify the individual who is charged with the violation.

Proposed law retains present law and provides that the executive director may appoint a panel of three or more board members to hear the charges. A majority of the panel shall constitute a quorum, and if no panel is appointed, the charges shall be heard by no less than a quorum of the board members.

Proposed law authorizes the board to access, receive, and utilize any records within the custody of DSS, any prosecutive, investigative, or law enforcement authority identified in state law, as well as any regulatory agency concerning the board's investigation or administrative proceeding involving one of its licensees, applicants for a license, or applicants to enter or progress in a clinical nursing program. Proposed law further provides that a written request by the board for these records is sufficient to access, receive, and utilize these records, although the board may issue an administrative subpoena for the records to be produced prior to or at the hearing.

Proposed law requires that, upon the arrest of any person determined by a prosecutive, investigative, or law enforcement authority to be a licensee of the board, applicant for a license issued by the board, or an applicant to enter or progress in a clinical nursing program, the authority shall notify the board of the arrest within 10 days of the determination and forward a copy of any arrest report to the board.

Proposed law provides for hearing procedures and provides that an affirmative vote by a majority of the members present at the hearing shall be required for a disposition, action, or decision.

Proposed law provides that any disciplinary actions for a licensee, applicant for a license, or applicant to enter or progress in a clinical nursing program shall be supported by a preponderance of the evidence. Any rehearing that is granted must be held before a quorum of the board.

Proposed law provides that all related documents and records contained within the board's files pertaining to one of the board's licensees, applicants for a license, or applicants to enter or progress in a clinical nursing program shall be nonpublic, confidential, and non-discoverable; however, the board may share this information with certain regulatory and law enforcement authorities upon written request.

Proposed law retains present law and requires the board, in its annual report, to state the nature and number of the various violations of the board's regulations. The board may maintain confidentiality of an individual nurse who violates a provision when the public interest is best served by alternatives to the disciplinary process.

Proposed law provides that certain records of the board are not subject to public records law.

(Amends R.S. 37:922(A), (D), and (E) and R.S. 44:4.1(B)(21); Adds R.S. 37:922(F) and (G))